

REMARKS

Claims 1-16 are pending in the application. Claims 1-5, 9-11, and 13-14 are rejected and claim 11 is objected to. By this Amendment, claims 11 and 13-16 are cancelled and claim 1 is amended. Accordingly, claims 1-12 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.83(a) because they fail to show "a cupped edge hammer" as described in the specification. (Examiner's Action, page 2).

Applicant respectfully disagrees. Applicant's Figure 7 shows cupped edge 24 of hammer 10. Cupped edge 24 is in close proximity to the top surface of pin 4. Despite the nearness of cupped edge 24 to pin 4, a gap may be seen between the two which shows the outline of each. The outline of cupped edge 24 shows that it is concave, or cupped, to receive the upper surface of pin 4.

The Examiner has objected to the specification because in the specification, on page 4, lines 6 and 7 #24 and # 34 identify adaptor plate. (Examiner's Action, page 3).

In response, Applicant has amended the specification to correct the reference.

The Examiner has rejected claims 1-5, 9, and 13-14 under 35 U.S.C. §102(b) as being anticipated by Jacobsen, et al., U.S. Patent No. 4,706,864. (Examiner's Action, page 3). The Examiner has further stated that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant has canceled claims 13-14 and amended independent claim 1 to include the limitations of dependent claim 11. Applicant's independent claim 1 now represents claim 11 rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since Applicants claim 1 represents claim 11 rewritten in independent form, it should be allowable.

Furthermore, Applicant contends that independent claim 1, as amended, constitutes an allowable generic claim to the species shown in Applicant's Figures and the elected and non-elected claims. Therefore, Applicant requests that claims 6-8 and 12 not be considered as withdrawn.

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Jacobsen, et al., U.S. Patent No. 4,706,864, in view of Richardson, U.S. Patent No. 1,106,241. (Examiner's Action, page 4).

In view of Applicant's arguments and amendments with respect to independent claim 1 being allowable, Applicant respectfully submits that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing amendments and arguments are believed to be a complete response to the most recent Examiner's Action.


No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicant claims.

It is further submitted that the application, as amended, defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
Jon Carter

By 
Mark G. Pannell
Reg. No. 40,761

Date 1/28/2005
(719) 260-7900